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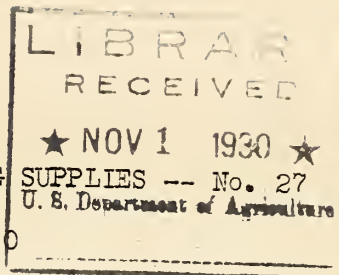
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SAFEGUARDING YOUR FOOD AND DRUG

October 27, 1930



A radio talk by W. R. M. Wharton, Chief of the Eastern District, Federal Food and Drug Administration, delivered Monday mornings at 10 a.m. Eastern Standard Time, through Station WJZ, New York, and associated National Broadcasting Company stations.

Good morning, my radio friends, I am, as you know, your Government representative telling you each week how your foods and drugs are safeguarded through the enforcement of the Federal Food and Drugs Act, and telling you to read labels in order that you may secure for yourselves the fullest measure of protection.

I shall tell you a story this morning of one of the most amazing court trials which has occurred in the history of the enforcement of the Food and Drugs Act since its enactment in 1906.

Your food and drug inspector in the course of his regular business went one morning to a cherry canning establishment. His usual careful observations soon disclosed that this canner was packing cherries, cherries to be used in making cherry pies; and was using cherries which; now listen well; cherries which were not only partially decomposed, but which also contained worms and worm excreta. In other words, this canner was using rotten cherries and wormy cherries in wanton disregard of the pure food law, which prohibits such practices, and in wanton disregard of your right to receive only sound, wholesome, and uncontaminated food products. The canner shipped a carload of this product to a large city in another state and for some reason, soon after it arrived in that state, orders were given by the canner to return it to the place of manufacture. Why? Why did the packer wish to have this lot of cherries back in his plant? I will leave it to you to decide.- And so when your inspector investigated the matter he found that the shipment had been returned to the canner. The goods, however, had been shipped and had been returned in interstate commerce and your Government agent went before a federal court and secured an order of seizure. Exactly 3,926 cans, each containing more than 6-1/2 pounds of cherries, were seized and held subject to the orders of the federal court. In a short time, the case came up for trial. The jury was selected, and the Government presented its evidence to show that this product was filthy, and decomposed, and therefore unfit for food. Your Government inspectors and chemists testified that the cherries in the cans were largely moldy and rotten and that each can contained a large number of worms and considerable worm excreta. Your Government agent brought into court, for the judge and jury to see, samples of the rotten cherries. They exhibited too, small bottles full of the worms taken out of the cherries, and testified to finding this condition prevalent in the shipment in question. One bit of testimony which was of interest was that each can of these cherries would make three cherry pies from which seven pieces would be cut and the federal attorney in summing up, pointed out that according to this testimony, a verdict for the claimant would decree that consumers of cherry pie must eat several worms and other objectionable matter with each cut of cherry pie. The defense admitted that they took no particular precautions to exclude wormy cherries from their canned product and one of their witnesses advanced the remarkable theory

that since the cherry maggot feeds on the cherries and juice, it is not objectionable and would not make the cherries unwholesome. When pressed for an opinion as to worm excreta in the product, he passed this over with the statement that the amount was infinitesimal, and on cross examination, he admitted that worms in food might be objectionable to some people who are fastidious. Of course they are! Well, this case was completed and the judge gave his charge to the jury, and the jury brought in a remarkable verdict. Here is what the jury said: "We, the jury, find a verdict for the claimant". - This meant that the Government had lost its case, and then the jury said this: "This jury after long deliberation further desires to state to this court that the admitted facts in this case, show that the management of the canning company in their conduct and treatment of the cherries in question were either careless; incompetent, or willfully negligent -- and the attempt to knowingly market such goods \*\*\*\* shows gross carelessness and mismanagement," and then the jury went on further to say. "Considering that the canning company's stock is held largely by farmers and fruit growers, and that they would be great sufferers if any adverse conditions affecting the canning company arose, we of the jury hope that the stock holders will demand a thorough investigation of the concern and see to it that this plant can produce a fine quality of goods and respect the pure food laws".

Have you ever heard of such a remarkable verdict in your lives? Here we have a jury returning a verdict against the Government and in an explanatory report saying essentially the Government's contentions and allegations were true. The federal judge expressed himself as amazed at the verdict and a local newspaper said at the time, that the verdict and comment of the jury was without precedent in the federal courts. But the federal judge was not to let this filthy food product go to your tables for food purposes, nor was he to permit the establishment of such a precedent for other canners to follow. He set aside this verdict as contrary to the evidence and finally a judgment for the Government was taken against the goods by default and the nearly 4,000 large cans of these filthy and wormy cherries were destroyed.

My friends, it is by actions such as this that your food and drugs are safeguarded. Your Food and Drugs Act effectually prevents the canning of rotten and wormy cherries. You can buy canned cherries without fear, because of the vigilance of the government inspectors, and the desire of 99 per cent of the canners to send only wholesome products into commerce.

Now, let's see what you need to know when you buy a can of cherries. This will depend upon the purpose for which you intend to use them. If you want to make a cherry pie, you will probably prefer a sour cherry rather than a sweet one, and necessarily you will wish a product with the pits removed. Consequently, you will buy a "sour-pitted-cherry" and the labels will tell you that the product is "sour pitted cherries" and if this is all the label tells you then you may be reasonably sure that the product has been packed in a medium of plain water with no sugar. Occasionally a manufacturer will use a small amount of sugar in canned red sour pitted cherries without claiming added sirup or sugar on the label. When a can of cherries is labeled "pitted" this means that the product is reasonably free from cherry pits, but the seeding is done with machines which are not 100% perfect, so occasionally a few pits will be found in canned pitted cherries.



On the other hand, if you wish a sweet cherry, generally, this desire will be for the purpose of using the product on the table as a dessert, as most sweet cherries are intended for table use, and they are usually canned without pitting. Such products generally are labeled "cherries" or "sweet cherries," "Royal Anne cherries," etc., and the higher grades are always packed in sugar sirup. It is safe to conclude that a product which is not labeled as "pitted", always includes the pits. You seldom see the term "Packed in water" on a label but the packing medium, as I have already said, generally employed in preparing sour pitted cherries is water. Sweet cherries in the higher grades are packed in sirup. From a quality standpoint cherries packed in sugar sirup are better usually than those packed in water or even in juice. For various packs of canned cherries, various strengths of sugar sirup are used. Stating the matter in a general way, we may say that there are three kinds of sugar sirup, depending upon the amount of sugar in the sirup. These are called, light sirup, medium sirup, and heavy sirup. Whenever a label says simply "Packed in sirup," the chances are that the sirup is a light sirup. A few distributors state the type of sirup used on their label, but most of them, particularly for sweet cherries, make no reference to the sirup content.

Sometimes you will find the name of the variety of the cherries on the label and in this connection you should know that Montmorency, Early Richmond, and Morello cherries are the most popular sour varieties, whereas the most popular sweet variety is the "Royal Anne." Some labels will characterize cherries as "White sweet cherries" or "Red sweet cherries," or "White wax cherries," and when no varietal name is used in these terms, the product may be any sweet variety of the color indicated.

It is important for label readers very carefully to check quantity of contents statements on canned cherry labels. The ordinary cherries of commerce are put up usually in No. 2, No. 2½, and No. 10 cans. The No. 2 cans may contain as much as one pound and 5 ounces, or more. This product is a heavy sirup pack. Some packers put only one pound and 3 ounces in a No. 2 can. This is a light sirup or water pack. The corresponding weight of a No. 2½ can is - sirup pack, one pound and 14 ounces; water or light sirup pack, one pound and 12 ounces. On the other hand, a No. 10 can may contain as much as 6 pounds and 11 ounces in a sirup pack, but some manufacturers give only 6 pounds and 4 ounces, which means a light sirup or water pack. So, my friends, do you not see that you should read labels to determine relative values on the basis of quantity received, as well as to insure that you get exactly what you wish to buy?

Cherries are now being put up by the so-called frozen pack method. The cherries are pitted and packed in barrels or large cans with layers of sugar and they are then frozen solid and kept frozen until delivered for use. The frozen pack method produces a delicious product not very much different in flavor from fresh cherries. Labels on packages of frozen pack goods declare them to be frozen pack and the ratio of fruit to sugar is frequently stated. Different packers use different amounts of sugar. Some employ two parts of fruit to each one of sugar, while other packers use as much as 4 parts of fruit to each one of sugar. The labels on frozen pack cherries show figures "4 to 1," or "3 to 1," or "2 to 1," as the case may be, and these figures represent the ratio of fruit to sugar.

Before I close this discussion, I want to tell you about the red cherries that you buy in bottles. You perhaps know them as maraschino cherries, but you will not find them so labeled. Maraschino cherries are naturally flavored cherries of the marasca type packed in an alcoholic cordial. The product, bottled cherries, on the American market really is a white cherry produced largely on the Pacific Coast and in France and shipped here in barrels in brine. They usually are treated with sulphurous acid to bleach and preserve them. American manufacturers after removal of the brine and most of the sulphurous acid, dye these cherries with an artificial red coal tar color and artificially flavor them with benzaldehyde or other artificial flavors and pack them in sirup which saturates the cherries with sugar. Read the labels on this class of products. You will find the label declares them to be artificially colored, artificially flavored, and artificially preserved when they contain sulphur dioxide or benzoate of soda, and the labels will not call them "maraschino cherries" because they are not maraschine cherries.

Now, my friends, I am telling you each week how to read labels. I have been talking to you on this subject for many weeks now. I have covered many of the well known food products, and I have told you to read their labels. I have told you how to read labels on drug products. I have told you about a form of food poisoning known as botulism and how to safeguard against it.

You may have copies of this talk and all of those previously given by writing to W. R. M. Wharton, United States Department of Agriculture, 201 Varick Street, New York City. I thank you.--